

HAMPTON PLANNING BOARD – MINUTES

AMENDED

October 6, 2004

PRESENT: Robert Viviano, Chairman
Tracy Emerick, Vice Chairman
Ken Sakurai, Clerk
Tom Gillick
Tom Higgins
Keith Lessard
Jim Workman, Selectman Member
Bill Bilodeau, Alternate
* Fran McMahon, Alternate
Jennifer Kimball, Town Planner

Mr. Viviano called the meeting to order at 7:00 p.m. by introducing the Board members. Mr. Viviano then asked Mr. Emerick to lead the Pledge of Allegiance.

I. CONTINUED PUBLIC HEARINGS:

1. Vertical Building & Development Company, LLC
Site Plan Review of project known as the “Majestic” for 42 Unit Condominium with 2 retail stores at
Ocean Boulevard, J & K Streets
Map 293, Lot 008; Map 290, Lots 144, 145, & 146
Owners of Record: Nancy J. Higgins Revocable Trust; Five Jay Street, LLC;
Jerelyn A. Gray & Peter B. Dineen; Captain Morgan Inn, Inc.

Mr. Viviano read a letter dated October 5, 2004 from Attorney Peter Saari of Casassa & Ryan, who is representing the applicant, requesting to withdraw this application. The Board acknowledged withdrawal of the Vertical Building & Development Company, LLC, Site Plan Review Application for Ocean Boulevard, J & K Streets, Map 293, Lot 008; Map 290, Lots 144, 145, & 146, at the applicant’s request, and a letter will be sent from the Chairman referencing such.

II. NEW PUBLIC HEARINGS:

1. Sean Marshall
Special Permit to construct a 2-story dwelling unit with garage, both attached to the existing structure within the Wetlands Conservation District at
31 Harbor Road
Map 295, Lot 62
Owner of record: Jane Gallagher

Mr. Viviano read a facsimile letter dated October 6, 2004 from Mr. Sean Marshall of Dynamic Solutions, the applicant, requesting to postpone this application because additional review is necessary from the Conservation Commission. Mr. Emerick **MOTIONED** to postpone the Sean Marshall Special Permit Application for 31 Harbor Road, Map 295, Lot 62, at the applicant’s request, to the December 1, 2004 Planning Board meeting. Mr. Lessard **SECONDED. VOTE:**
All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.

5. Cheryl Williams
Special Permit to remove 1-story cottage & construct a new 2-story home within the Wetlands Conservation District at
36 Kings Highway
Map 223, Lot 68
Owner of record: Same as above

Mr. Viviano read a facsimile letter dated October 6, 2004 from Ms. Cheryl Williams requesting to postpone this application because additional review is necessary from the Zoning Board of Adjustment. Mr. Gillick **MOTIONED** to postpone the Cheryl Williams Special Permit Application for 36 Kings Highway, Map 223, Lot 68, at the applicant's request, to the December 1, 2004 Planning Board meeting. Mr. Emerick **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

I. CONTINUED PUBLIC HEARINGS:

2. J.R. Russo Corp.
Impact Fee Waiver Request for 5-Unit Multifamily Structure (fees total \$9,490.00) at
7 F Street
Map 287, Lot 40
Owner of Record: Same as above

Attorney Peter Saari introduced himself as representing the applicant. Mr. Joe Russo was introduced at this time. Attorney Saari stated (answering questions from Town Attorney Gearreald's memo dated October 4, 2004): there were 11 legal, dwelling units and a coffee shop operating at this property; of the 11 units: 1 = 2 bedroom with full kitchen, 4 = 1 bedroom with full kitchen, 6 = efficiencies with no kitchen (maybe a hot plate, etc...); all units have been as confirmed "year round" use; the 2 bedroom was occupied with a family with children, all other units were single, adult occupancy that may have had child occupancy at one time or another. Attorney Saari added: Mr. Russo became owner/proprietor in May of 2002 and there are no other records available to verify information on this property prior to that. There was general Board discussion and Mr. Viviano clarified the purpose of this hearing was to provide Attorney Gearreald with answers to his questions.

**OPEN PUBLIC HEARING: NO COMMENT.
SUSPEND PUBLIC HEARING.**

Mr. Viviano asked for additional Board comments. Hearing none, Mr. Gillick **MOTIONED** to continue the J.R. Russo Impact Fee Waiver Request Application to the October 20, 2004 meeting subject to:

- 1) Additional recommendation(s) from Town Attorney Gearreald.

Mr. Emerick **SECONDED**. Mr. Lessard asked if there were any restrictions preventing Mr. Russo from obtaining a Building Permit to begin the work on this project. Mrs. Kimball verified Mr. Russo has already received the necessary permits and work has already begun. **VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

II. NEW PUBLIC HEARINGS:

2. Foss Manufacturing
Condominium Conversion at
400 Lafayette Road
Map 160, Lot 29
Waiver Requested: Subdivision Regulations Section V.E (detailed plan)
Owner of Record: Same as above

Attorney John Ryan of Casassa & Ryan introduced himself as representing the applicant. Ms. Pat Foss was introduced at this time. Attorney Ryan proceeded to explain the property has been utilized as office units for a number of years and the tenants have expressed interest in purchasing each individual unit.

He continued: there are no physical additions or changes being done to the property, additionally, a site plan and floor plan have been submitted for recording should the Board agree to approve this application. Attorney Ryan noted Mrs. Kimball memo dated October 3, 2004 and agreed to the conditions of approval suggested. He stated there are 26 units where units #1-13 are located in building #1, units #14-26 are located in building #2, each to be a distinct condominium unit under the Condominium declaration; the use of the units will be restricted to office use only, no retail; the waiver is being requested because there will not be any physical changes to the structure. There was Board discussion regarding parking concerns. Attorney Ryan stated parking has not been an issue in the past and no parking allocation is proposed at this time. Mrs. Kimball clarified Board questions by stating the requirement is 1 parking space for every 200 ft., there are currently 39 parking spaces for the 26 existing units, and this conforms to regulations.

OPEN PUBLIC HEARING: NO COMMENT.
CLOSE PUBLIC HEARING.

Mr. Viviano asked for additional Board comments. Hearing none, Mr. Gillick **MOTIONED** to grant the Waiver Requested: Subdivision Regulations V.E. (detailed plan). Mr. Emerick **SECONDED. VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Additionally, Mr. Gillick **MOTIONED** to accept jurisdiction of and approve the Foss Manufacturing Condominium Conversion Application of plan #1163TUCK, dated July 2004 subject to:

- 1) Stipulations #4 & #5 noted in Jennifer Kimball's memo dated October 3, 2004.

Mr. Workman **SECONDED. VOTE: AII. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

3. Fatima Realty Trust
Site Plan Review to construct a 52 Unit/5-story residential Condominium building with
2 parking levels, drainage, grading, necessary paving & utility connections at
377 Ocean Boulevard
Map 265, Lot 20
Owner of record: Fatima Realty Trust, Janet Reynolds-Trustee
4. Fatima Realty Trust
Special Permit to work within the Wetlands Conservation District for work associated
with Site Plan Review at
377 Ocean Boulevard
Map 265, Lot 20
Owner of record: Fatima Realty Trust, Janet Reynolds-Trustee

Attorney Steven Ells introduced himself as representing the applicant. Also introduced were Corey Colwell of Millette, Sprague & Colwell, Inc., Ms. Jean Boudreau, Proprietor, and Mr. David Lopettag, Architect (to attend momentarily). Attorney Ells proceeded to explain the application to the Board to demolish the 46 existing units and construct 52 unit residential condominium project; two parking levels, one at grade and one below grade providing all the necessary parking onsite; five residential levels above the parking; a clerical error was noted on sheet 2 of 5, reads 3 residential levels and it should read 5 residential levels; the general height of the proposed building is 56ft; the elevator overrun, the mechanical area, and the skylight for the pool will rise to 65ft. height; the design of the building calls for decks that will overhang the foundation on either side approximately 23-27ft. elevation on east side, and approximately 10ft. elevation on the west side. Mr. Colwell proceeded to explain the Rainstore system to be utilized in the rear of the site, and the Grasspave system to be utilized on the easterly side. Mr. Colwell distributed handouts of the Rainstore and Grasspave for Board review.

He explained, all of the roof and back parking lot drainage will be run into a catch basin; a 6 inch curb is proposed in the back parking lot to shift the runoff to the catch basin; the catch basin is equipped with an oil/water separator to pre-treat the rainwater prior to going into the Rainstore system; the Rainstore system is located below the pavement; the system collects the runoff into the plastic tubes; they can be stacked and are interchangeable; almost like a septic system where the treated water percolates down into the sand and soil beneath the system; there are two Rainstore systems proposed on the site, one large system at the rear of the site, and one smaller system at the front of the site; there was a test boring done at the site and having gone down 40-50ft. there was no water found suggesting enough earth to treat the water going into the earth and not into Eel creek. Mr. Colwell explained the Grasspave system to be installed on the south side of the building; it provides support to very large, heavy trucks; made up of the same plastic cylinders as the Rainstore and then sod, gravel, and grass on top where it looks and feels like real grass; it provides a concrete base to drive on, yet it is permeable so water can go through it; it is documented in the handout of the acceptability of the product from Fire Departments.

Mr. Colwell noted drainage on the ramp access to parking, down the ramp, is to be connected to the Rainstore system. There was Board discussion regarding gallons per hour and Mr. Colwell suggested the results of the drainage study indicate this oversized system is designed to handle 25-50 year storm event. Mrs. Kimball clarified the 100 year storm event requirements are to match the peak rates leaving the site and this proposal is water going down into the ground, thus, the calculation must have space designed to store and percolate so it will not overflow. The Board expressed consideration to review any companies with experience using this system in the New Hampshire area. Mr. Lessard expressed concern for potential blowing sand and salt going into the system. Mr. Colwell clarified because all that type runoff would be in the catch basin, the system would need to be cleaned out periodically. Mr. Higgins expressed concerns of the rear parking lot being in a flood zone. Mr. Colwell pointed out the "flood hazard zone" is located at most of the beach area; he showed the distinction at one side of the line and gauged at 9 (which defines the first occupancy floor must be 9 ft. above sea level); the proposed building is not located in the flood hazard zone.

Mrs. Kimball clarified Board questions regarding the variances granted of sealed surface of a maximum of 85%. Attorney Ells stated the proposal is not expected to go over the 85% ; and height variances have been granted 56-ft. building and 65ft. to accommodate the elevator and maintenance overruns, etc... Mr. Lessard questioned the fencing along Fuller Acres. Attorney Ells stated a substantial number of plantings are proposed and a wooden fence may be installed. Mr. David Lopettage gave an overview of the lighting being hooded, wall lights; the proposal consists of 6 = 1 bedroom flats, 4 = 2 bedroom flats, and 42 = 3 bedroom (some flats, most townhouses); construction to consist of steel and plank; roof area of metal shingle and windows; balconies will have planters.

Mr. Higgins expressed concerns for the vehicle lights disturbances going up and down the parking ramps; safety measures for parking entry/exit; and a noted conversation with an abutter regarding consideration of dumpster placement. Mrs. Kimball reviewed her memo dated October 3, 2004 and areas of concern and further review items were discussed. Mr. Ells stated some handicap parking might eliminate some of the turning/parking concerns. Mr. Lopettage stated the parking ramp is proposed to have radiant heat to deter snow plowing & removal; 116 parking spaces shown, 111 parking spaces required; a 7ft. 2in. clearance (10ft. from ceiling to floor); the Grasspave is plowable. Mr. Colwell noted in a 12 inch or less snowstorm there is adequate snow storage proposed; otherwise, snow is to be trucked offsite; a 6inch concrete retaining wall (curb) above the pavement surrounds ground level. Mr. Lopettage stated the proposed parking will have sprinkler combinations of wet/dry system; the exterior walls are open; and there would be no emergency access through the parking garages; signage is proposed for the face of the building. There was Board consensus that a traffic study would not be necessary as there is one on file from two years ago on this property.

The Board expressed concern over the proposed garage clearance, specifically that tow trucks, emergency vehicles, conversion vans and some SUVs would not be able to have access. The Board asked what would happen if there was a vehicle parked in someone else's spot, or if an owner of one of the units has a large vehicle.

There was additional Board discussion regarding: trash and size of dumpster(s); visitor parking; signage for parking level height and guest parking. Attorney Ells stated the proposal is not gated and condominium documents will reflect two, assigned parking spaces.

**OPEN PUBLIC HEARING: NO COMMENT.
SUSPEND PUBLIC HEARING.**

Mr. Viviano asked for additional Board comments. Hearing none, Mr. Gillick **MOTIONED** to accept jurisdiction of the Fatima Realty Trust Site Plan and Special Permit Applications and continue those applications to the December 1, 2004 meeting subject to:

- 1) Review and comment from Town Departments,
- 2) Review and comment from Ambit Engineering,
- 3) Review and comment from Hampton Beach Commission, and,
- 4) Review and comment from Department of Transportation (with regard to the curb cut and crosswalk locations).

Additionally, the Board requested the applicant provide further information regarding the proposed drainage system of "Rainstore" and "Grasspave" with regard to other properties that are currently using this system. Please include detailed specifics of geographical areas of use, the flood plain proximity, required & preventative maintenance items, temperature issues (freezing), etc... Mr. Higgins **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

6. John Poissant
Site Plan Review to construct an additional duplex for a total of 4 dwelling units at
3A Purington Lane
Map 120, Lot 5
Waivers requested: Site Plan Regulations Sections V.E. 8 (storm water drainage control plan),
V.E. 13 (Architectural Elevations), & V.E. 14 (Floor Plans)
Owner of record: Same as above

Mr. John Poissant introduced himself. Mrs. Kimball provided a brief outline that Mr. Poissant was previously before the Board earlier this year to do a subdivision of land, which was granted and subsequently recorded. She continued, on the current plan Lot 1B (adjacent) is the subdivision, and Lot 1A is the remaining lot which has a duplex on it; the applicant is proposing an additional duplex which now qualifies it as a multi-family that requires site plan approval. Mr. Poissant answered Board inquiries that a construction timeframe is indefinite due to current weather changes and conditions; trash is to be picked up curbside. Mrs. Kimball reviewed her memo dated October 3, 2004: a variance has been granted from public water and sewer; parking is proposed to be underground, of one car spaces, 16ft. wide and Mrs. Kimball noted the plans will need to be modified to meet the multi-family ordinance of 25 ft. away from the front of the building; a heavily wooded lot and no additional landscaping is proposed; ownership types are to be further discussed between the applicant and his attorney; Mrs. Kimball noted any condominium conversion aspects regarding this property will have to come back before the Board.

**OPEN PUBLIC HEARING: NO COMMENT
SUSPEND PUBLIC HEARING.**

Mr. Viviano asked for additional Board comments. There was Board discussion regarding each individual Waiver and Mr. Higgins expressed concern to see the stormwater plans and floor plans. Mr. Poissant stated floor plans had been submitted to the Zoning Board and he did not have them with him this evening. Mr. Gillick **MOTIONED** to grant the Waiver requested: Site Plan Regulations Sections V.E. 8 (storm water drainage control plan) and continue the John Poissant Site Plan Application.

There was additional Board discussion that the approval would be for this plan and this size. Mr. Poissant stated the existing floor plan was used as a starting point for this application. Mr. Gillick **WITHDREW** his motion. Mr. Lessard **MOTIONED** to grant the Waiver requested: Site Plan Regulations Sections V.E. 8 (storm water drainage control plan). Mrs. Kimball discussed the waiver regulations to Mr. Poissant for clarification purposes. Mr. Sakurai **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Mr. Lessard voted to deny the other Waivers Requested: Site Plan Regulations Sections V.E. 13 (Architectural Elevations), & V.E. 14 (Floor Plans) and continue the John Poissant Site Plan Review Application to the October 20, 2004 meeting subject to:

- 1) Submittal of floor plans and elevations, and,
- 2) Submittal of revised plans to clearly denote parking spaces for each unit.

Mr. Higgins **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

Mr. Viviano stated that Applications #9 & #10 under New Public Hearings, #1 under Old Business, and #1 of Attending to be Heard may not come before the Board due to time constraints.

7. Drakes Appleton Corporation
Site Plan Review to construct a 48 Unit Condo with associated parking, utilities, sewer, water, & with 2 options for stormwater control plans at
180 Drakeside Road (rear)
Map 172, Lot 12-1
Waiver requested: For Option A only, Site Plan Regulations Section VII.D.2. (match peak runoff events)
Owner of record: Morgan Ryan Realty Trust
8. Drakes Appleton Corporation
Special Permit to work within the Wetlands Conservation District for work associated with Site Plan Review at
180 Drakeside Road (rear)
Map 172, Lot 12-1
Owner of record: Morgan Ryan Realty Trust

Mr. Lessard steps down for this application.

* Mr. McMahon joins the Board at this time.

Mr. Workman steps down for this application.

Mr. Viviano stated importance of the following regarding this application: the Board is only hearing this submitted application before them; variances that were previously granted were valid, those variances are being appealed and the Planning Board is required, by law, to continue hearing this application until such time as the Judge, or the Zoning Board, makes a ruling on that appeal; during the public hearing portion of this application, it is requested that any comments be brief, concise, and without repetition.

Mr. Tom Nigrelli of Drakes Appleton, Corp. introduced himself as the option holder of this application. Also introduced were Attorney Mike Donahue of Donahue, Tucker, & Ciandella, and Mr. Joe Coronati of Jones & Beach Engineers, Inc. Mr. Nigrelli proceeded to explain by recounting the different versions of plans brought before the Planning Board, Zoning Board, and Conservation Commission;

Continuing with the current proposal, Mr. Nigrelli stated each building has 21–2 bedroom units, and 3-1 bedroom units; total of 48 units; no more than a 50ft.height.

Mr. Nigrelli showed a four-floor elevation drawing and described the current proposal to be a duplicate of the drawing minus 10ft. (1 floor); pointing out the amount of the property being developed as 13% (25.5 acres), 87% of the land area is being placed in a Conservation Easement; also submitted was a landscape plan of the west side which is proposed to be gated and only accessed for emergency vehicles; there will only be one entrance on the east side. Mr. Nigrelli continued, after conversing with the Conservation Commission, there is no need for storm retention because of being adjacent to the salt marsh; thus, proposed are Option “A” and Option “B” drainage plans: Option “A” has minimal, 50ft. wetland buffer impact, and minimal, direct wetland impact with an outflow point to the salt marsh; Option “A” requires a waiver from the Planning Board. Option “B” has the required detention basin with increased wetland and buffer area impacts. Mr. Nigrelli stated a conversation with the Conservation Commission (not officially presented) confirmed they were in favor of Option “A”. Mrs. Kimball noted a memo dated September 30, 2004 from the Conservation Commission reiterating they are in favor of a treatment swale as opposed to the detention pond.

Mr. Nigrelli submitted a traffic study, for the record, at this time. Mrs. Kimball reviewed her memo dated October 6, 2004 and areas of concern and further review items were discussed. Mr. Nigrelli stated he had a letter from Aquarion Water of their commitment to be able to provide water to the site. Mrs. Kimball noted there is a copy of this letter in the Board file. Mr. Nigrelli stated the proposal for trash is to be collected in a 2-3yard, roll out type container in the garage and then rolled out on trash day for the trash truck to tip the trash in; otherwise, one-10 yard dumpster would be an alternative that would be sufficient for both buildings. Additionally, Mr. Nigrelli stated there would be a light source coming off the buildings, and in the parking areas; possibly the same fixtures used at Hampton Meadows of copper poles and lanterns, etc... There was Board discussion regarding the previous proposal scheduled to be heard on October 20, 2004. Attorney Donahue stated both proposals will remain ‘scheduled to be heard’ by the Planning Board until either become an acceptable route to pursue. Mr. Nigrelli stated if the proposal presented this evening was allowed to proceed, then the other proposal would be withdrawn.

OPEN PUBLIC HEARING:

Ms. Grace Myrningham of 101 Hampton Meadows introduced herself. She stated her concerns of safety on Drakeside Road that is currently used by bicyclists; a map outline was presented for demonstration purposes; concerns for the size of the proposal and photos were presented; road hazards at the Trussel Bridge were stated.

Mr. Jack Myrningham of 100 Hampton Meadows introduced himself. He stated his concerns of future environmental problems; traffic and safety issues; a graph of miles versus vehicles was presented for demonstration purposes; density was stated as a concern.

Mr. Kreon Cyros of Drakeside Road introduced himself. He stated the purpose of a site plan review; stated concerns of density, traffic, public safety; a portion of the road is 20ft. wide with no shoulders; parking concerns; suggest independent review of the traffic study.

Mr. Ed Lombardi of 102 Drakeside Road introduced himself. Mr. Lombardi concurs with the past 4 speakers; suggests looking at standards as they were constructed long ago.

Mr. Jim Workman of 470 Winnacunnet Road introduced himself. Mr. Workman stated he is speaking on behalf of the Selectman and excusing himself from this application is not of a personal matter. He restated the purpose for site plan review, public safety, etc...

SUSPEND PUBLIC HEARING.

Mr. Viviano asked for additional Board comments. Mrs. Kimball stated this was a complete application. Mr. Sakurai **MOTIONED** to accept jurisdiction of the Drakes Appleton Corporation Site Plan and Special Permit Applications. Mr. Gillick **SECONDED. VOTE: 5 = YES / 1 = OPPOSED** (Mr. Higgins). **MOTION PASSES IN THE AFFIRMATIVE.** Mr. Gillick clarified, accepting jurisdiction begins the formal process of the 65-day clock, this is not an approval of the proposal. Mr. Gillick **MOTIONED** to continue the Drakes Appleton Corporation Site Plan and Special Permit Applications to the November 17, 2004 meeting subject to:

- 1) Review and comment from Town Departments,
- 2) Review and comment from Ambit Engineering (including the waiver options), and
- 3) Review and comment from an Independent Traffic Engineer.

Mr. Higgins **SECONDED. VOTE: All. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Attorney Donahue stated the applicant will provide a letter stating the Drakes Appleton Corporation (36 Unit) Application, which is scheduled to be heard on October 20, 2004, will now be continued to the November 17, 2004 meeting.

Mr. Viviano stated, due to time constraints, the following applications and Consideration of Minutes for September 15, 2004 would not be heard this evening. Mr. Gillick **MOTIONED** the following applications and Consideration of Minutes for September 15, 2004 are postponed to the October 20, 2004 meeting due to time constraints:

9. 426 Winnacunnet Road Real Estate Trust
Condominium Conversion at
426 Winnacunnet Road
Map 208, Lot 48
Waiver Requested: Subdivision Regulations Section V.E (detailed plan)
Owner of record: William & Ida Silva
10. 31-33 Ocean Boulevard Trust
Condominium Conversion at
33 Ocean Boulevard
Map 296, Lot 20 & 32
Waiver Requested: Subdivision Regulations Section V.E (detailed plan)
Owner of record: Thomas M. Higgins

III. OLD BUSINESS:

1. Richard P. Tessier, Jr.
Condominium Conversion at
6 & 8 Brown Avenue
Map 274, Lot 45
Waivers Requested: Subdivision Regulations Sections V.E (detailed plan) & VII.C (storm drainage design)
Owner of record: Same as above
Jurisdiction accepted September 1, 2004

IV. ATTENDING TO BE HEARD:

1. Holo-Dek Gaming, Inc.
Use Change from office & light industry to retail, interactive video game/theater at
8 Merrill Drive – Unit 12
Map 142, Lot 005
Owner of Record: Fairview Nominee Trust (Thomas Moulton, Trustee)

V. CONSIDERATION OF MINUTES – SEPTEMBER 15, 2004

Mr. Workman **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

VI. CORRESPONDENCE:

1. Establish Surety & Engineering Inspection Escrow
Jack Kopka (Maplecroft Subdivision)
433 Winnacunnet Road
Map 221, Lot 5 & 10, and Map 208, Lot 46

Mrs. Kimball read a memo dated September 14, 2004 from Mr. John Hangen, Department of Public Works Director recommending establishing a Surety & Engineering Inspection Escrow for the Jack Kopka (Maplecroft Subdivision), 433 Winnacunnet Road, Map 221, Lot 5 & 10, and Map 208, Lot 46 Application. Mr. Gillick **MOTIONED** to set the Surety amount at \$150,000.00, and to set the Engineering Inspection Escrow at \$4,500.00, for the Jack Kopka (Maplecroft Subdivision), 433 Winnacunnet Road, Map 221, Lot 5 & 10, and Map 208, Lot 46 Application. Mr. Emerick **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

2. Engineering Inspection Escrow
North Beach Investments
703 Ocean Boulevard
Map 235, Lot 9

Mrs. Kimball read a memo dated September 13, 2004 from Mr. John Hangen, Department of Public Works Director recommending setting of the Engineering Inspection Escrow for the North Beach Investments, 703 Ocean Boulevard, Map 235, Lot 9 approved Application. Mr. Emerick **MOTIONED** to set the Engineering Inspection Escrow at \$2,500.00 for the North Beach Investments, 703 Ocean Boulevard, Map 235, Lot 9 approved Application. Mr. Gillick **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.**

3. Release of Surety
Appleton Hampton
Drakeside Road
Map 157, Lot 3-2

Mrs. Kimball read a memo dated October 1, 2004 from Mr. Tom Nigrelli of Drakes Appleton Corporation requesting release of the Surety regarding the Appleton Hampton, Drakeside Road, Map 157, Lot 3-2 approved Application. Mr. Gillick **MOTIONED** to approve, at the applicant's request, release of the surety regarding the Appleton Hampton, Drakeside Road, Map 157, Lot 3-2 approved Application. Mr. Emerick **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Additionally, Mrs. Kimball noted the Planning Office will contact the Bank to return the original letter of credit of \$250,000.00.

VII. OTHER BUSINESS:

None

Mr. Gillick **MOTIONED** to adjourn. Mr. Emerick **SECONDED. VOTE: AIL. MOTION PASSES UNANIMOUSLY IN THE AFFIRMATIVE.** Meeting adjourned at 10:41 p.m.

Respectfully Submitted,
Janine L. Fortini
Planning Board Secretary

Minutes as amended October 20, 2004